

PTO/SB/21 (01-09)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/382,837
Filing Date	August 25, 1999
First Named Inventor	Borodic
Art Unit	1644
Examiner Name	G.R. Ewoldt, Ph.D.
Attorney Docket Number	33677.00600US

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b> 1. PTO/SB/08A (3 pages) 2. Copy of 8 Cited References 3. Copy of IDS filed May 14, 2001 (Exhibit 1) 4. Copy of Information Disclosure Statement filed on July 26, 2005 (Exhibit 2)		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Milbank, Tweed, Hadley & McCloy LLP		
Signature	<i>Enrique Longton</i>		
Printed name	Enrique D. Longton		
Date	March 13, 2009	Reg. No.	47,304

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Gary E. BORODIC )  
Application Serial No.: 09/382,837 ) Group Art Unit: 1644  
Filed: August 25, 1999 ) Examiner: G.R. Ewoldt, Ph.D.  
Title: *Chemodenervating Pharmaceutical As An* )  
*Anti-Inflammatory Agent* )

**SUBMISSION OF PREVIOUSLY FILED REFERENCES AND  
UNACKNOWLEDGED INFORMATION DISCLOSURE STATEMENT**

**MAIL STOP AMENDMENT**

Commissioner of Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant submits herewith copies of eight references listed on the attached Form PTO/SB/08A for consideration and to be made of record herein by the U.S. Patent and Trademark Office in the above-captioned application. Applicant notes that these references were originally submitted on May 14, 2001, see **Exhibit 1** which is a copy of the originally filed Information Disclosure Statement received by the Office on May 16, 2001 as indicated by the OIPE stamp on the signed IDS.

Consideration of the foregoing plus the prompt return of a copy of the enclosed Form PTO/SB/08A with the Examiner's initials in the left column in accordance with MPEP 609 are respectfully requested.

Applicant also submits as **Exhibit 2** a copy of an Information Disclosure Statement filed on July 26, 2005, including a return post card stamped by the Office which indicates that it was received on July 26, 2005. As Applicant's attorney discussed with the Examiner, upon review of the file, Applicant is unable to locate a signed and

initialed copy of this I.D.S. Consideration of the Information Disclosure Statement and prompt return of the previously filed Form PTO/SB/08A with the Examiner's initials in the left column in accordance with MPEP 609 are respectfully requested.

Applicants' submission of the enclosed Information Disclosure Statements (IDS) shall not be construed as an admission that the cited references are prior art to the present invention, or that the cited references qualify as printed publications. The submission of this IDS also shall not be construed as a representation that a prior art search has been performed.

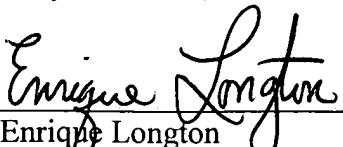
Applicant believes that no fees are due in connection with this filing because the Information Disclosure Statements and references submitted herewith were previously submitted by the Applicant. However, in the event an additional fee is deemed necessary, the Commissioner is authorized to charge the undersigned's Deposit Account No. 13-3250 under referenced No. 33677.00600US.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application, including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 13-3250, reference No. 33677.00600US. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

Date: March 13, 2009

By:

  
Enrique Longton  
Registration No. 47,304

**Customer No. 38647**  
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		09382837
	Filing Date		1999-08-25
	First Named Inventor	Borodic	
	Art Unit	1644	
	Examiner Name	G. R. Ewoldt, Ph. D.	
	Attorney Docket Number	33677.00600US	

### CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

**OR**

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ None

### SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature		Date (YYYY-MM-DD)	2009-03-13
Name/Print	Enrique D. Longton	Registration Number	47,304

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**